

REMARKS

Status of the Claims

Claims 1-76 are in the application. Claims 34-38 and 72-76 stand withdrawn and claims 1-33 and 39-71 are active in the application. Claims 1, 22, 31, 39, 60, and 69 are active, independent claims.

Claim Rejections under 35 USC § 102(b)

Claims 1-33 and 39-71 stand rejected as being anticipated by Herz under 35 U.S.C. §102(b).

Applicants Arguments and Comments

It is noted that extensive discussion has been had by both parties regarding the characterization and the interpretation of the Herz reference. For purposes of brevity, they will not be repeated here. Applicant's arguments of record are incorporated herein, where applicable.

In summary, Herz teaches a system for electronic, interest-based matching of objects with users. The reference teaches the use of target profiles for the objects and interest summaries for the users. The system then evaluates the target profiles against the interest summaries to generate a user-customized, rank ordered listing of target objects most likely to be of interest. The user can select from among those potentially relevant target objects.

In contrast to the Herz system, the present invention generates and processes consumer preference information relating to attributes of products.

Considering the general operation and goals of the Herz system in comparison to the present invention, Herz is fundamentally a matching system, using profile and interest data to sort large quantities of objects, automatically matching users with objects of potential interest. The goal of the Herz system is to assist users in sorting through large quantities of objects to identify those of interest.

In contrast, the present invention collects and processes consumer preference information as relates to attributes of products (defined in the specification as goods and/or services). In the claimed embodiments, the present invention is not a matching system. Rather, it is a consumer preference information collection and processing system that functions to provide useful consumer preference information relating to products, for example for use by manufacturers or sellers.

The presently claimed invention distinguishes the invention from Herz. In particular, each of amended independent claims 1, 22, 31, 39, 60 and 69 reciting like elements to:

- storing preference information for a plurality of consumers,
the preference information relating to an attribute of a product;

- providing trade-off questions relating to the attribute to a
consumer;

- receiving answers to the trade-off questions from the
consumer;

- determining, based on the answers, preference information
associated with the consumer;

- (in claims 1, 22, 39 and 60) validating the preference
information of the consumer; or, (in claims 31 and 69) currency-
normalizing the consumer preference information; and

- mixing based upon the validating, the preference information
of the consumer with the preference information of the plurality of
consumers.

(It is noted that the language reciting the elements varies slightly from claim to claim, depending on the claim format type and the other limitations in the claim.)

With respect to the subject Office Action, Applicants respectfully traverse the Examiner's assertions that Herz teaches Applicants' claimed invention of processing preference information.

More particularly, Herz does not show or suggest the claimed steps of providing to a consumer trade-off questions relating to an attribute and receiving back the answers. The sections of the reference cited by the Examiner (Col. 12, lines 25-38; col. 18, lines 10-67; col. 28, lines 45-60; col. 18, lines 10-30 and col. 28, lines 40-67) describe generally filtering and profiling, and do not appear to involve any providing of trade-off questions and receipt back of answers. Processing based upon a user's interest in an object, for example by if it was read or not, does not teach or show the presentation and receipt of answers to trade-off questions as claimed.

Herz does not show or suggest Applicants claimed validating step, for example defined by Applicants at page 9, lines 5-12 as:

Validation is generally a test to determine the predictive precision of the preference information with respect to the associated consumer. In one embodiment, validation of preference information includes presenting questions to the consumer, receiving actual answers to the questions, and predicting answers based on the preference information. In another embodiment, validation of preference information further includes determining an extent to which the consumer's actual answers to the questions match the consumer's predicted answers.

The portions of the Herz reference cited by the Examiner (col. 7, lines 1-17; col. 30, line 46 – col. 31, line 10) appear to show the matching of filtered object profiles with consumer interest. This matching does not teach validation. Applicants see no teaching of validating consumer preference information in the reference.

Neither does the Herz reference show or suggest, and the Examiner does not make any *prima facie* claim that the reference shows, the claim 39 recitation of "currency normalizing" the consumer preference information.

Further, the Herz reference does not show or suggest the claimed step of mixing the preference information based upon the validating. See the Examiner's cites to Herz at col. 7, line 19 – col. 8, line 47; col. 12, lines 25-35. The cited patent sections appear to deal with filtering incoming items to match with consumer interest. They do not show or suggest mixing preference information, much less the claimed mixing based on the validating.

Similarly the reference does not show or suggest Applicants' claimed 'wherein' limitation, wherein the degree of mixing individual and group preference information is different for different consumers. More particularly, considering the sections of the Herz reference cited by the Examiner:

- Col. 16, line 52 – col. 17, line 57 deals with a calculated 'distance' between two related objects.
- Col. 19, lines 7-67 deals with filtering objects.
- Col. 21, line 5 – col. 22, line 29 deals with profiling users and filtering objects.
- Col. 24, line 60 – col. 25, line 60 deals again with processing objects to determine distances between objects.
- Col. 29, lines 1-35 deals with different methods of profiling users.

None of these sections show the degree of mixing different between consumers as taught and claimed by Applicants.

As noted above, the claims in their current form clearly distinguish over the Herz patent. Herz, being directed to a matching system, and not a product attribute preference processing system, does not show or suggest at least the elements of: providing trade-off questions and receiving answers thereto, determining based on the answers preference information, validating or currency-normalizing the preference information and/or mixing the consumer preference information with that of a plurality of consumers.

In addition to the differences between the Herz reference and the claimed invention, the present invention provides features and advantages not available

from Herz. More particularly, the present invention yields processed consumer preference data that may be used in the design, manufacturing or sales to determine product features. In contrast, Herz teaches only the matching of objects submitted into the system with users participating in the system.

In summary, Applicant's invention differs significantly in function and intent from the Herz teachings. It further provides features and advantages not available from the Herz teachings. The claims, as amended, recite the invention while distinguishing over Herz. The independent claims are thus submitted to be patentable over Herz. The dependent claims are submitted to be patentable both as dependent from allowable base claims and in their own right as dependent from the currently amended independent claims.

These amendments and remarks are offered at this time without prejudice to expedite the prosecution of this matter.

CONCLUSION

Accordingly, Applicant respectfully requests the allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 438-1077.

Respectfully submitted,

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